

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

enXco Development Corporation,

Plaintiff,

v.

ORDER

Civil No. 11-1171 (MJD/JSM)

Northern States Power Company.

Defendant.

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Joel A. Mullin, Stoel Rives LLP, Counsel for Plaintiff.

Charles F. Webber, Faegre Baker Daniels LLP, Counsel for Defendant.

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This matter is before the Court on Plaintiff's request to file a motion for reconsideration of this Court's Order dated April 3, 2013 granting Defendant's motion for summary judgment.

The Local Rules for the District of Minnesota provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(j). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct

manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed its April 3, 2013 Order and concludes that it contains no manifest errors of law or fact. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's request to file a motion for reconsideration is DENIED.

Date: April 18, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court